

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: COLUMBIA UNIVERSITY
PATENT LITIGATION

MDL NO. 1592

IMMUNEX CORPORATION, a Washington
Corporation and AMGEN INC., a Delaware
Corporation,

This Document Relates to All Actions

Plaintiffs,

vs.

THE TRUSTEES OF COLUMBIA
UNIVERSITY in the City of New York,
a New York Corporation,

Defendant.

AND RELATED COUNTERCLAIM

**AMGEN INC.'S AND IMMUNEX CORPORATION'S RESPONSE TO
BIOGEN IDEC MA INC.'S GENZYME CORPORATION'S AND
ABBOTT BIORESEARCH CENTER, INC.'S EMERGENCY MOTION
TO EXTEND SUMMARY JUDGMENT BRIEFING SCHEDULE**

Pursuant to the Court's October 1, 2004 Order, Amgen Inc. and Immunex Corporation (collectively "Amgen") hereby respond to Biogen IDEC MA Inc.'s, Genzyme Corporation's and Abbott Bioresearch Center, Inc.'s (collectively "Biogen") Emergency Motion to Extend Summary Judgment Briefing Schedule. Amgen respectfully states that it does not oppose Biogen's motion to extend the briefing schedule with respect to motions for summary judgment on the issue of double patenting.

October 4, 2004

Respectfully submitted,

IMMUNEX CORPORATION and AMGEN INC.
By their attorneys,

/s/ Eileen M. Herlihy
Eileen M. Herlihy (BBO #231410)
Palmer & Dodge LLP
111 Huntington Avenue at Prudential Center
Boston, MA 02199-7613

Telephone: (617) 239-0100
Facsimile: (617) 227-4400

Vicki G. Norton (CA #175067)
Wilson Sonsini Goodrich & Rosati
3611 Valley Centre Drive, Suite 525
San Diego, CA 92130
Telephone: (858) 350-2300
Facsimile: (858) 350-2399

